

REMARKS

The high osmolyte no-rub cleaning and disinfecting solution disclosed and claimed in the present application has an effective amount of an osmolyte adjusting agent to increase the osmolality of the total solution for cleaning enhancement without adversely affecting the antimicrobial efficacy of the cleaning and disinfection solution. Demonstrating the effect of increasing osmolality on the cleaning and disinfecting efficacy of the solution, applicants conducted a number of experiments, which are disclosed in the subject specification. The results of the experiments clearly show that cleaning is enhanced with increased osmolality.

Claims 1-5 and 7-19 stand rejected under 35 U.S. C. 103(a) as being unpatentable over Riedhammer et al., U.S. Patent Number 4,820,352 (Riedhammer). Applicants respectfully traverse the subject rejection of claims 1-5 and 7-19 under 35 U.S.C. 103(a).


Riedhammer teaches an aqueous cleaning dispersion with a **tonicity that may be modified with 0.9 percent saline to that of lacrimal fluids** to avoid lens discomfort if not thoroughly washed from the lens (Col 5, lines 13-18). Human lacrimal fluid has an osmolality of 300 mOsm/kg. Riedhammer teaches osmolyte agents such as **sodium chloride in the amount of 6.75 g per one liter of water** to adjust the osmolality of the solution to that of **lacrimal fluids, i.e., 300 mOsm/kg**.

To the contrary, the present invention as claimed is a cleaning solution with an osmotic value **greater than 300 mOsm/kg**. Riedhammer does not teach the high osmolyte improved cleaning solutions of the present invention. Such is highlighted by the fact that Riedhammer teaches the use of **0.675 weight percent sodium chloride** (see col. 6, Examples I-III) rather than the "useful concentration range" of **0.9 – 2.5 weight percent sodium chloride** described in the subject specification (see page 6, Table). Accordingly, a person of ordinary skill in the art would not expect the Riedhammer solution "to have properties of increasing osmolality of the total solution to a level higher than that of the eye's lacrimal fluids" as is set forth in the subject Office Action Final Rejection. The unique no-rub solutions of the present invention with osmolyte adjusting agents in concentrations sufficient to enhance the cleaning properties of the solutions without adversely affecting antimicrobial efficacy as disclosed and claimed in the subject application differ significantly from the teachings of Riedhammer. For these reasons in addition to others not set forth herein, the rejection of claims 1-5 and 7-19 under 35 U.S.C. 103(a) is thereby inappropriate. Withdrawal of the rejection claims 1-5 and 7-19 under 35 U.S.C. 103(a) is respectfully requested.

Pending claims 1-5 and 7-19 as now written are believed to be patentable. Allowance of pending claims 1-5 and 7-19 is thereby respectfully requested.

Should there be any questions regarding this correspondence, please feel free to contact the undersigned at (636) 226-3340.

Respectfully submitted,

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Rita D. Vacca
Reg. No.: 33,624

Bausch & Lomb, Inc.
One Bausch & Lomb Place
Rochester, New York 14604-2701